

Message Text

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DRAFTED BY EUR/EE:RAMOSHER/LVA
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S/S-O: R. PERITO
L/M:GMALMBORG

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FM SECSTATE WASHDC

TO AMEMBASSY SOFIA IMMEDIATE

INFO AMCONSUL ISTANBUL IMMEDIATE

C O N F I D E N T I A L STATE 014547

EXDIS FOR AMBASSADOR FROM ARMITAGE, ISTANBUL FOR BATJER ONL

E.O. 11652: GDS

TAGS: PINS, SHUM, TPHY, BU (MARINOV, STEFAN MARINOV)

SUBJECT: MARINOV INCIDENT

REF: A. SOFIA 0089; B. STATE 13665

1. SUMMARY. ALTHOUGH MARINOV INCIDENT CANNOT BE COMPLETELY RECONSTRUCTED AS YET AND FURTHER INFORMATION IS STILL BEING SOUGHT, WE ARE TRANSMITTING WHAT WE HAVE BEEN ABLE TO FIND OUT THUS FAR. AMONG THE TENTATIVE CONCLUSIONS WHICH WE HAVE DRAWN ARE THE FOLLOWING: (A) DEPARTMENT DOES NOT APPEAR TO BE OBLIGATED TO MAKE ANY COMPENSATORY PAYMENT TO MARINOV; (B) EMBASSY OFFICERS APPARENTLY ATTEMPTED TO REMOVE MARINOV FROM EMBASSY PREMISES ON THE BASIS OF PERSUASION OR "ASSIST-ANCE"; (C) MARINOV'S SCIENTIFIC CREDENTIALS DO NOT SEEM TO ENJOY BROAD ACCEPTANCE IN US SCIENTIFIC COMMUNITY; (D) PUBLIC RELATION ASPECTS OF THIS CASE SHOULD NOT CAUSE US
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MAJOR PROBLEM. END SUMMARY.

2. PER REF B, DEPARTMENT HAS CONCLUDED THAT WE SHOULD NOT RPT NOT GIVE ANY ENCOURAGEMENT TO MARINOV ABOUT POSSIBILITY OF COMPENSATION. UNDER PRESENT INTERPRETATION OF THE TORT CLAIMS ACT (ON WHICH 2 FAM 281 IS BASED), FOR CLAIMS ARISING OUTSIDE THE UNITED STATES, THE USG MUST BE SHOWN TO BE

LIABLE UNDER LOCAL RPT LOCAL LAW TO THE EXTENT THAT A

PRIVATE PARTY WOULD HAVE BEEN LIABLE IF PLACED IN THE SAME CIRCUMSTANCES. IN DETERMINING LIABILITY, THE FOCUS WOULD BE ON TWO FACTORS: A) THE FACTUAL SITUATION, AND B) LOCAL LAW. UNDER THE APPARENT CIRCUMSTANCES OF THIS INCIDENT, IT IS HIGHLY UNLIKELY THAT LIABILITY ON THE PART OF THE USG COULD BE ESTABLISHED. THE ONLY OTHER POSSIBILITY FOR A CLAIM TO BE FILED IN BULGARIA WOULD BE UNDER THE MERITORIOUS CLAIMS ACT. HOWEVER, THIS REQUIRES THAT THE HOST GOVERNMENT ITSELF ESPOUSE THE CLAIM, WHICH SEEMS BEYOND THE REALM OF POSSIBILITY IN THIS CASE. THEREFORE, IT APPEARS MARINOV WOULD HAVE NO VIABLE LEGAL RECOURSE TO OBTAIN COMPENSATION FOR DAMAGES.

3. WHILE DEPARTMENT HAS REACHED TENTATIVE CONCLUSION UPON BASIS OF THOROUGH EXAMINATION OF INFORMATION THUS FAR AVAILABLE, IT IS NOT CLEAR TO US WHICH SPECIFIC OCCURRENCE MARINOV BELIEVES ENTITLES HIM TO COMPENSATION. ACCORDING TO SNOW'S VERSION (SEE BELOW) MARINOV SHOWED HIM A COMMITMENT ORDER FROM THE BULGARIAN AUTHORITIES WHICH INSTRUCTED MARINOV TO APPEAR AT A MENTAL INSTITUTION AT A SET DATE AND TIME. THEREFORE, SINCE MARINOV ALREADY HAD BEEN ORDERED CONFINED TO A MENTAL INSTITUTION BEFORE HIS APPEARANCE AT THE EMBASSY, WE DO NOT SEE ANY NECESSARY CONNECTION BETWEEN WHATEVER OCCURRED AT THE EMBASSY AND HIS INCARCERATION, REGARDLESS OF THE REASON FOR HIS CONFINEMENT. PERHAPS EMBASSY CAN PROVIDE ADDITIONAL INFORMATION ON THIS POINT.

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4. IN LIGHT OF RECOLLECTIONS OF TWO EMBASSY LOCALS REPORTED REF B, WE HAVE GONE OVER ENTIRE MATTER AGAIN AT LENGTH WITH CHRISTOPHER SNOW. HE AGAIN NOTED THAT HE DID NOT RECALL THE SPECIFIC EVENT OR THE DATE WITH CLARITY. HOWEVER, HE RECALLED THAT MARINOV VISITED EMBASSY TWICE. ON THE FIRST OCCASION, SNOW MET WITH MARINOV IN LIBRARY/RECEPTION AREA AFTER MARINOV ASKED FOR HIM BY NAME. AS REPORTED REFTEL MARINOV REQUESTED ASYLUM STATING THAT AUTHORITIES WERE PERSECUTING HIM AND THAT THEY HAD CONFINED HIM TO A MENTAL INSTITUTION BECAUSE OF HIS POLITICAL BELIEFS. MARINOV THEN PRESENTED SNOW WITH PACKAGE OF DOCUMENTS INCLUDING COMMITMENT ORDER INSTRUCTING HIM TO REPORT TO MENTAL INSTITUTION ON A CERTAIN DATE FOR CONFINEMENT. SNOW TOOK DOCUMENTS TO THE OFFICE FOR EXAMINATION, AND THEN DISCUSSED CASE WITH CONSUL IN ACCORDANCE WITH INSTRUCTIONS FOR HANDLING WALK-INS. HE WAS UNABLE TO RECALL IF CONSUL MET WITH MARINOV BUT HE DOES REMEMBER THAT IT WAS DECIDED THAT MARINOV WAS NOT A CANDIDATE FOR

FURTHER PROCESSING AS A WALK-IN. SNOW RECALLS RECEIVING

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INSTRUCTIONS THAT THE EMBASSY WAS NOT TO ACCOMMODATE MARINOV IN ANY WAY. SNOW ASKED EMBASSY RECEPTIONIST LATER THAT DAY IF MARINOV WAS STILL IN RECEPTION AREA AND WAS TOLD THAT HE HAD LEFT OF HIS OWN VOLITION.

5. SNOW ALSO RECALLS THAT ON THE SECOND OCCASION MARINOV TOOK A SEAT IN LIBRARY/RECEPTION AREA AND REFUSED TO LEAVE. HE REMEMBERS THAT IT WAS DECIDED, NOT BY HIM, THAT SHOULD MARINOV REFUSE TO LEAVE AT THE CLOSE OF BUSINESS, HE SHOULD SIMPLY BE EXPELLED AS GENTLY AS POSSIBLE. SNOW REPEATED THAT HE DID NOT RECALL ANY MEDICAL PERSONNEL OR POLICE BEING SUMMONED AND IS CERTAIN THAT HE DID NOT TAKE SUCH ACTION. SNOW SUGGESTED THAT EMBASSY ADMIN OFFICER, DAVID CONFIDENTIAL

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BEALL, MIGHT BE ABLE TO SHED SOME LIGHT ON THE INCIDENT.

6. EUR/EE OFFICER DISCUSSED MARINOV CASE WITH DAVID BEALL, ADMIN OFFICER IN EMBASSY 1973-75. BEALL RECALLED THAT THERE HAD BEEN A BULGARIAN WHO HAD COME TO EMBASSY ONCE OR POSSIBLY TWICE, AND THAT ON AT LEAST ONE OCCASION THEY CAME VERY CLOSE TO PHYSICALLY EJECTING HIM. HE BELIEVES THAT IT WAS LATE SUMMER OR EARLY FALL, EITHER BEFORE AMBASSADOR HERZ ARRIVED AT POST (1973) OR DURING A SUBSEQUENT ABSENCE FROM POST (1974). BEALL RECALLED THAT MAN APPEARED AT EMBASSY IN MORNING BEFORE LUNCH. CONSUL TALKED WITH MAN AND DETERMINED THAT HE WAS NOT A "LEGITIMATE" WALK-IN AND ASKED HIM TO LEAVE. MAN REFUSED AND STAYED THERE ALL AFTERNOON. THE CONSUL DISCUSSED PROBLEM WITH HELENE BATJER AND THEY DECIDED THAT IF HE DID NOT LEAVE BEFORE CLOSE OF BUSINESS, HE WOULD BE "ESCORTED" OUT WITH THE MINIMUM OF FORCE NECESSARY. ALTHOUGH HE WAS NOT A PARTY TO IT, BEALL REMEMBERS THAT THIS DECISION WAS MADE, BUT HE DOES NOT RECALL IF MAN LEFT VOLUNTARILY OR WITH "ASSISTANCE."

7. DEPARTMENT IS IN PROCESS OF CONTACTING FORMER CONSULAR OFFICERS, INCLUDING ROBERT SARGENT, WHO MAY RECALL MARINOV OR INCIDENT IN QUESTION. UNFORTUNATELY, THEY ARE CURRENTLY ABROAD. WE WILL RELAY RESULTS OF THESE INQUIRIES TO EMBASSY AS SOON AS THEY ARE RECEIVED. DEPARTMENT IS ALSO CONTINUING ITS INVESTIGATION IN OTHER DIRECTIONS. EMBASSY MIGHT CHECK ITS MSG LOGS FOR 1973 AND 1974. IF THEY ARE STILL EXTANT, IT MAY BE POSSIBLE TO PIN DOWN EXACT DATE OF INCIDENT SINCE MARINE GUARDS MAY WELL HAVE PLAYED A ROLE.

8. WHILE DEPARTMENT HAS NOT BEEN ABLE TO DETERMINE MARINOV'S EXACT SCIENTIFIC CREDENTIALS, WE HAVE BEEN CONTACTED BY LETTER BY A MAN IN COLORADO WHO IS INTERESTED IN ATTENDING A "CONFERENCE ON SPACE-TIME ABSOLUTENESS" IN

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VARNA, BULGARIA, IN MAY 1977. SUBJECT LEARNED OF CONFERENCE THROUGH CORRESPONDENCE WITH COLLEAGUES ON US EAST COAST AND WITH MARINOV HIMSELF IN RECENT WEEKS. HE HAS RECEIVED A XEROX/CARBON COPY OF A TYPEWRITTEN APPLICATION AND INFORMATION CIRCULAR WHICH STATES THAT CONFERENCE IS TO BE HELD MAY 5 - MAY 15 AT "GOLDEN SANDS," DRUZBA, VARNA, BULGARIA. THE PROCEEDINGS OF THE CONFERENCE ARE TO BE PUBLISHED BEFORE THE END OF 1977. NO OFFICIAL ORGANIZATION WAS NAMED AS SPONSOR AND CONFERENCE WAS DECLARED TO BE OPEN TO ALL WHO BELIEVED THAT "SCIENTISTS ARE ONLY CITIZENS OF THE WORLD." IT WAS ALSO NOTED THAT SINCE THERE WAS NO OFFICIAL SPONSOR, ATTENDEES WOULD HAVE TO BEAR HEAVIER COST OF RUNNING CONFERENCE BY PAYING FIFTY DOLLARS TO A NUMBERED HAMBURG BANK ACCOUNT. FYI: SUBJECT WAS ALSO ABLE TO EXPLAIN THAT THEORY OF SPACE-TIME ABSOLUTENESS WAS THE CONTRA-EINSTEIN THEORY AND THAT MOST OF EVIDENCE SUPPORTING THE THEORY OF RELATIVITY HAD SIMPLY BEEN MISTAKENLY MIS-INTERPRETED AND COULD ACTUALLY BE SHOWN TO PROVE THE OPPOSITE THEORY - OF SPACE-TIME ABSOLUTENESS. END FYI.

9. WE WOULD APPRECIATE ANY FURTHER DETAILS EMBASSY LOCAL EMPLOYEES MAY BE ABLE TO PROVIDE. DO THEIR ACCOUNTS OF INCIDENT AGREE, OVERLAP OR CONFLICT IN ANY WAY? DOES EITHER ONE RECALL WHO ISSUED INSTRUCTIONS TO SUMMON AUTHORITIES TO TAKE CUSTODY OF MARINOV? DO THEY CONFIRM DATE GIVEN BY MARINOV? IT WOULD BE HELPFUL IF EMBASSY WOULD IDENTIFY EMPLOYEES AND STATEMENTS EACH ONE MADE.

10. WHILE WE ARE CONCERNED ABOUT PUBLIC RELATIONS ASPECT AND WISH TO BE PREPARED TO HANDLE ANY EVENTUALITY, WE ARE INCLINED TO DOUBT THAT THIS CASE WILL CAUSE US MAJOR PROBLEM. THERE IS LIMITED ACCEPTANCE IN US CIRCLES OF MARINOV'S SCIENTIFIC CREDENTIALS. FOLLOWING RECEIPT OF FURTHER INFORMATION FROM OTHERS WHO WERE IN SOFIA AT THE TIME, WE HOPE TO COMPLETE RECONSTRUCTION OF INCIDENT AND TO CONFIRM THAT STEPS TAKEN IN DEALING WITH MARINOV WERE

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APPROPRIATE AND IN CONFORMITY WITH STANDARD OPERATING

PROCEDURES.

„ FOR ISTANBUL: IN LIGHT OF ABOVE MESSAGE WOULD
APPRECIATE ANY FURTHER INFORMATION WHICH MIGHT BE USEFUL
TO US.
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